

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MASSACHUSETTS

IN RE: Anthony J. Rodriquez)
 & Brenda M. Cirillo)
) Debtor)

CHAPTER 13
CASE NO. 13-41492-MSH

**MOTION TO CONTINUE SHOW CAUSE HEARING SCHEDULED FOR
JULY 16, 2013**

Now comes William T. Bogaert, Esq. (“Counsel”) specially appearing for Attorney Rose Clayton, Esq. (“Attorney Clayton”) for the purpose of this motion only and hereby respectfully moves to continue the hearing scheduled for July 16, 2013 on the Court’s Order to Appear and Show Cause Why She [Attorney Clayton] Should Not be Ordered to Disgorge Her Fee for Her Failure to Properly Represent her Clients. (“Order”). The good faith grounds for this motion are as follows:

1. On June 19, 2013, this Court ordered Attorney Clayton to file a fee application, within 14 days, regarding the Chapter 13 bankruptcy petition filed by the Debtors Anthony Rodriquez and Brenda Cirillo.
2. Attorney Clayton has been Administratively Suspended by the Massachusetts Supreme Judicial Court and it is Bar Counsel’s position that she is prohibited from appearing as counsel before any tribunal in the Commonwealth.

3. Attorney Clayton is incapacitated due to various and serious medical conditions. At this time she is medically unable to practice law or appear before this honorable Court on her own behalf.
4. In response to various matters pending before the Board of Bar Overseers, her Administrative Suspension and her medical conditions, Attorney Clayton is intending to seek Disability Inactive pursuant to Supreme Judicial Court Rule 4:01 Section 13.
5. Counsel has been retained for the limited purpose of representing Attorney Clayton in connection with her Massachusetts Board of Bar Overseers matters from which the Administrative Suspension Order was issued and her efforts to obtain Disability Inactive Status. Counsel is working on behalf of Attorney Clayton to assist her clients in obtaining their file materials and helping those clients find new representation for their respective legal matters. Counsel has not been retained to represent Attorney Clayton in connection with the Order or other matters involving Attorney Clayton or her clients currently before the bankruptcy court.
6. On June 19, 2013, the Court issued the show cause order and scheduled a hearing for July 16, 2013, at 1:00pm. Counsel became aware of this hearing on Thursday, July 11, 2013. Counsel has a previously scheduled multi-party deposition on that day which can not be rescheduled and is unable to appear at this hearing, even though such appearance would be in a limited capacity.
7. Counsel believes and avers that Attorney Clayton is currently incapable of responding to the pending show cause order.
8. If it would assist the Court and the parties Counsel will appear before this Court at a later date to further address any of the issues raised herein.

Wherefore, it is respectfully requested that the hearing on July 16, 2013 be continued, to a date and time convenient for the Court, as Attorney Clayton is unable to appear on the date scheduled.

Respectfully submitted,

By,

/s/ William T. Bogaert

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CERTIFICATE OF SERVICE

I, William T. Bogaert, hereby certify that this document filed through the ECF system will be sent electronically to the following registered participants as identified on the NEF on July 15, 2013:

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/s/ William T. Bogaert